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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/24/2003

Orum & Roth
53 West Jackson Boulevard
Chicago, IL 60604-3606

EXAMINER

BRYANT, DAVID P

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 10/24/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/019,727

Applicant(s)

RAPP, EUGEN

Examiner

David P. Bryant

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Preliminary Amendment

The preliminary amendment filed December 20, 2001, has not been entered, since the text requested to be deleted from the claims does not correspond to the text in the claims. The text in the preliminary amendment appears to be in German.

Specification

The disclosure is objected to because of the following informalities:

The specification as a whole appears to be a literal translation into English from a foreign document, and is replete with grammatical and idiomatic errors. Applicant is requested to carefully review the specification and correct all such errors. Thereafter, it is advised that a substitute specification be submitted, since the required changes appear to be quite extensive. Other more specific problems are noted below.

Page 1:

In the first and last paragraphs, reference is made to “the generic principal claim” and “the secondary claim 8.” Such reference to specific claims should be avoided, since claim numbers typically change during prosecution.

Page 2:

In the second-to-last paragraph, reference is made to “claim 8.” Such reference to specific claims should be avoided, since claim numbers typically change during prosecution.

Appropriate correction is required.

Claim Objections

Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Due to the indefiniteness of the claims, it is difficult to completely ascertain the scope of applicant's invention. The claims should be carefully reviewed and amended as necessary.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, *as best understood in light of the above § 112 problems*, are rejected under 35 U.S.C. 102(b) as being anticipated by Eckold (U.S. Patent No. 5,046,228).

Claim 1: This claim apparently recites a multiple-plate (three plates?) clinching method wherein (1) the displacement of the material of the plates is larger in a first direction than in a second direction which is oriented 90° from the first direction, with soft transitions from the first to the second directions, (2) wall parts of the upper plates in the first direction are thinned more than wall parts of the lower plates in the first direction, and (3) wall parts of the plates in the second direction are thicker than wall parts of the plates in the first direction. The method is accomplished utilizing an upper die and an associated deep-drawing bottom die.

Eckold clearly teaches these features in Figures 1-6 of the drawings. Further, in column 3 (lines 10-15), Eckold discloses that “two or more sheet metal pieces” may be joined using the tool set and corresponding clinching method.

Claim 2: As shown in Figures 1 and 2, the lead end of the upper die 10 is wedge-shaped. Also, as disclosed in column 3 (lines 27-29), the upper and lower dies each have an oval contour.

Claims 3 and 4: As shown in Figure 2, the lower die 12 includes a deep-drawing opening 26 therein defined by a pair of leaf springs 24 attached to either side of the lower die. As disclosed in column 2 (lines 26-42), these leaf springs can either be unyielding or yieldable, depending upon the materials of the plates to be joined.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each reference discloses a sheet clinching method.

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Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David Bryant** whose telephone number is **(703) 308-1859**. Draft amendments or proposed changes to the application may be faxed directly to the examiner at any time via RightFAX at (703) 746-4213. The examiner can normally be reached on **Mondays-Thursdays from 6:30 AM to 5:00 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

| | |
|-------------------------------|----------------------------------|
| Allowed Files & Publication | (703) 308-6789 or (888) 786-0101 |
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David P. Bryant
Primary Examiner
Art Unit 3726